

### **REMARKS**

The present application has been reviewed in light of the Office Action mailed on November 1, 2007. Claims 1, 2, 12, 16, 17, 27, 32, 40, 41, 44, 47, 49, 55, 61, 62 and 70-111 are pending in the application with Claims 1, 12, 16, 27, 47, 55, 62, 73, 75, 82, 86, 88, 97, 101 and 106 being in independent form. By the present amendment, Claims 1, 12, 16, 27, 47, 49, 55, 62, 72, 82, 86, 88, 89, 94, 97, 101 and 106 have been amended and Claims 112 and 113 have been cancelled. With respect to the independent claims, all of the independent claims have been amended, except Claims 73 and 75.

In the Office Action, Claims 112 and 113 were rejected under 35 U.S.C. Section 112, second paragraph. Claims 112 and 113 have been cancelled. Accordingly, withdrawal of the rejection is respectfully requested.

Claims 1, 2, 12, 16, 17, 27, 32, 40, 41, 44, 47, 49, 55, 61 and 72-113 were rejected under 35 U.S.C. Section 103(a) as being unpatentable over U.S. Patent No. 7,177,836 issued on February 13, 2007 to German et al. ("German et al.") in view of U.S. Patent Application Publication No. 2002/0029339 published on March 7, 2002 to Rowe ("Rowe"). Applicants' have herein amended independent Claims 1, 12, 16, 27, 47, 55, 62, 82, 86, 88, 97, 101 and 106 to better define Applicants' claimed subject matter and to more clearly patentably distinguish these claims over German et al. and Rowe, taken alone or in any proper combination.

German et al. is directed to a payment enabler system for facilitating payment to a seller from a buyer with respect to a financial transaction consummated over the Internet. German et al. collects information from buyers and sellers regarding at least one payment instrument or source they want to use for making payments and receiving payments. The collected information

is used to create a registration record in a registration database stored by the payment enabler system. Therefore, the registration database contains a plurality of records created by the payment enabler system and configured for storing payment-related information corresponding to a plurality of users of the payment enabler system. Payment-related information corresponding to a buyer is accessed from the registration database and used to facilitate a payment by drawing funds from a payment source identified by the payment-related information. Payment-related information corresponding to a seller is also accessed from the registration database and used to facilitate the payment by having the drawn funds credited to or deposited in a payment source identified by the payment-related information.

Rowe is directed to an apparatus and method where a customer sets up a financial account for facilitating monetary and commercial transactions. The financial account has monetary funds associated therewith which may be debited from the account.

It is respectfully submitted that the plurality of records described by German et al. and the financial accounts described by Rowe are not analogous to Applicants' payment accounts as recited by Applicants' independent Claims 1, 12, 16, 47, 49, 62, 72, 82, 86, 88, 89, 94 and 97. These independent claims recite that Applicants' plurality of payment accounts are created using informational data received via at least one web page of an electronic auction or commerce web site and are configured for storing actual funds.

German et al. and Rowe, taken alone or in any proper combination, do not disclose or suggest creating payment accounts using informational data received via at least one web page of an electronic auction or commerce web site as described by Applicants' claims. Additionally, neither German et al. nor Rowe, taken alone or in any proper combination, disclose or suggest

payment accounts created using the informational data received via the at least one web page of an electronic auction or commerce website being configured for storing actual funds therein as recited by Applicants' claims.

In particular, with respect to Applicants' independent Claim 1, the payment enabler system described by German et al. and the method and apparatus described by Rowe do not, among other things, **create a plurality of payment accounts configured for storing actual funds therein** and corresponding to a plurality of users of an electronic auction web site, **where the plurality of payment accounts are created using informational data received via at least one web page accessible via at least one web page of the electronic auction web site**, as recited by Applicants' Claim 1, and similarly recited by Applicants' independent Claims 12, 16, 47, 62, 82, 86, 88 and 97.

Arguments will now be provided with respect to the patentability of Applicants' independent Claims 27, 55, 73, 75, 101 and 106. Additional arguments are also presented herein below with respect to Applicants' independent Claim 88.

Applicants' Claim 27 recites that "one of the plurality of payment accounts corresponds to the buyer and is accessible by the buyer via the electronic auction web site **for changing at least one payment source used for funding said payment account and for authorizing the loaning of funds to said buyer**, wherein the loaning of funds to the buyer does not include charging a credit card associated with the buyer; receiving at least one input from the buyer to initiate a payment method; and initiating the payment method, wherein the **payment method is at least one of deducting funds from the payment account storing actual funds therein and corresponding to the buyer and loaning funds to the buyer for effecting payment**, wherein

the method for effecting payment does not require any interaction between the buyer and the seller.”

Neither German et al. nor Rowe, taken alone or in any proper combination, disclose or suggest, inter alia, accessing a payment account via an electronic auction web site for changing at least one payment source used for funding the payment account and for authorizing the loaning of funds, as recited by Applicants’ Claim 27. Additionally, neither German et al. nor Rowe disclose or suggest, inter alia, a payment method which deducts funds from a payment account storing actual funds therein and loans funds to the buyer, as recited by Applicants’ Claim 27.

Applicants’ Claim 55 recites that each of a plurality of payment accounts are “capable of being used for effecting payment for network transactions associated with said electronic commerce web site and **for complying to an incentive offer**, said incentive offer being based on using a payment account of said plurality of payment accounts and corresponding to a user of said plurality of users for effecting payment for the at least one item, **wherein said incentive offer provides for the user of said plurality of users to perform an activity via said electronic commerce web site which will cause a change in the amount of actual funds stored in a payment account corresponding to the user.**”

Neither German et al. nor Rowe, taken alone or in any proper combination, disclose or suggest, inter alia, using a payment account for complying to an incentive offer, let alone, that the incentive offer provides for a user to perform an activity via an electronic commerce web site which will cause a change in the amount of actual funds stored in a payment account corresponding to the user, as recited by Applicants’ Claim 55.

Applicants' Claim 73 recites an electronic commerce method which is neither disclosed nor suggested by German et al. or Rowe. Claim 73 recites in its entirety "A method for effecting payment to an electronic commerce merchant, said method comprising: receiving instructions from an electronic commerce customer via a web page to authorize payment to said electronic commerce merchant; determining whether the instructions include an authorization to use funds associated with a financial system and which are not owned by the electronic commerce customer to effect payment to said electronic commerce merchant; instructing said financial system to use funds associated with said financial system if the instructions include an authorization to use funds associated with the financial system for effecting payment to said electronic commerce merchant; and facilitating the transfer of funds associated with said financial system to a payment account associated with said electronic commerce merchant to effect payment to said electronic commerce merchant, wherein said method for effecting payment does not require the disclosure of credit card information corresponding to said electronic commerce customer to said financial system."

There is no disclosure or suggestion by German et al. and Rowe, taken alone or in any proper combination, of a method for effecting payment to an electronic commerce merchant as recited by Applicants' Claim 73. In particular, neither German et al. nor Rowe disclose or suggest, inter alia, receiving instructions from an electronic commerce customer via a web page to authorize payment to an electronic commerce merchant; determining whether the instructions include an authorization to use funds associated with a financial system and which are not owned by the electronic commerce customer to effect payment to said electronic commerce merchant; instructing said financial system to use funds associated with said financial system if the

instructions include an authorization to use funds associated with the financial system for effecting payment to said electronic commerce merchant; and facilitating the transfer of funds associated with said financial system to a payment account associated with said electronic commerce merchant to effect payment to said electronic commerce merchant, wherein said method for effecting payment does not require the disclosure of credit card information corresponding to said electronic commerce customer to said financial system, as recited by Applicants' Claim 73.

Applicants' Claim 75 recites an electronic commerce payment method which is neither disclosed nor suggested by German et al. or Rowe. Claim 75 recites in its entirety "An electronic commerce payment method for effecting payment for an electronic commerce transaction, the method comprising: displaying a graphical user interface corresponding to an electronic commerce web site, said graphical user interface having a payment icon; receiving an input indicating user selection of said payment icon; displaying a graphical user interface corresponding to a payment service provided by a payment web site independent of the electronic commerce web site; receiving authorization via user selection of an icon displayed by the graphical user interface corresponding to the payment service to effect payment for the electronic commerce transaction using the payment service; and effecting payment for the electronic commerce transaction using the payment service."

There is no disclosure or suggestion by German et al. and Rowe, taken alone or in any proper combination, of an electronic commerce payment method as recited by Applicants' Claim 75. In particular, neither German et al. nor Rowe disclose or suggest, inter alia, displaying a graphical user interface corresponding to an electronic commerce web site, the graphical user

interface having a payment icon; receiving an input indicating user selection of said payment icon; displaying a graphical user interface corresponding to a payment service provided by a payment web site independent of the electronic commerce web site; receiving authorization via user selection of an icon displayed by the graphical user interface corresponding to the payment service to effect payment for the electronic commerce transaction using the payment service; and effecting payment for the electronic commerce transaction using the payment service, as recited by Applicants' Claim 75.

Applicants' Claim 88 further recites "enabling performance of at least one payment account management function via access to the payment account corresponding to the winning bidder via a link displayed on a graphical user interface of the electronic auction web site, said at least one payment account management function including changing a source for use in obtaining actual funds for transferring to the payment account."

Neither German et al. nor Rowe, taken alone or in any proper combination, disclose or suggest, inter alia, access to a payment account storing actual funds therein and corresponding to a winning bidder of an electronic auction to perform at least one payment account management function, including changing a source for use in obtaining actual funds for transferring to the payment account, as recited by Applicants' Claim 88.

Applicants' Claim 101 recites an electronic commerce method which is neither disclosed nor suggested by German et al. or Rowe. Claim 101 recites in its entirety "An electronic commerce method for effecting payment for at least one item offered for sale by a seller and purchased by a buyer via an electronic commerce web site, where the electronic commerce web site is accessible by a plurality of users for listing items for sale and purchasing listed items for

sale, and where the electronic commerce web site is maintained by an electronic commerce system, the method comprising: receiving an input from the buyer via selection of an icon displayed by a graphical user interface of the electronic commerce web site, said electronic commerce web site being maintained by at least one computing device; **displaying a payment page by a payment web site maintained by a payment system and being independent of the electronic commerce web site for effecting payment for the at least one item offered for sale by the seller via the electronic commerce web site following receipt of said input, said payment system being in operative communication with the electronic commerce system for receiving descriptive information and payment information corresponding to the at least one item from the electronic commerce system and displaying said received information on said payment page;** receiving an input from the buyer via selection of an icon displayed by the payment page indicating authorization to effect payment for the at least one item to the seller; and effecting payment for the at least one item comprising the step of deducting funds from at least one payment account storing actual funds therein.”

There is no disclosure or suggestion by German et al. and Rowe, taken alone or in any proper combination, of an electronic commerce method as recited by Applicants’ Claim 101. In particular, neither German et al. nor Rowe disclose or suggest, inter alia, displaying a payment page by a payment web site maintained by a payment system and being independent of the electronic commerce web site for effecting payment for the at least one item offered for sale by the seller via the electronic commerce web site following receipt of an input from a buyer, as recited by Applicants’ Claim 1. Additionally, neither German et al. nor Rowe disclose or suggest, inter alia, the payment system being in operative communication with the electronic



commerce system for receiving descriptive information and payment information corresponding to the at least one item from the electronic commerce system and displaying said received information on said payment page, as recited by Applicants' Claim 101.

Applicants' Claim 106 recites an electronic commerce method which is neither disclosed nor suggested by German et al. or Rowe. Claim 106 recites in its entirety "A method for effecting payment for at least one item offered for sale by a seller and purchased by a buyer via an electronic auction web site, where the electronic auction web site is accessible by a plurality of users and maintained by an electronic auction system, the method comprising the steps of: sending an e-mail by the electronic auction system to the buyer of the at least one item; receiving, via one of the electronic auction web site and the e-mail, at least one input from the buyer indicating an initiation to effect payment; providing a payment page to the buyer after receiving the at least one input from the buyer; **receiving, via the payment page, authorization from the buyer to at least one of deduct actual funds from a payment account corresponding to the buyer and loaning funds if the payment account has insufficient funds; deducting funds from the payment account corresponding to the buyer if the payment account has sufficient funds, loaning funds if the payment account has zero funds, or deducting funds and loaning funds if the payment account has greater than zero funds and less than a total amount of funds required to satisfy payment;** and using at least a portion of the deducted funds to effect payment to at least the seller, wherein the method for effecting payment does not require any interaction between the buyer and the seller."

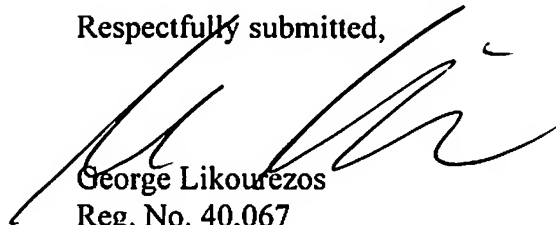
There is no disclosure or suggestion by German et al. and Rowe, taken alone or in any proper combination, of a method for effecting payment as recited by Applicants' Claim 106. In

particular, neither German et al. nor Rowe disclose or suggest, inter alia, receiving, via a payment page, authorization from a buyer to at least one of deduct actual funds from a payment account corresponding to the buyer and loaning funds if the payment account has insufficient funds, as recited by Applicants' Claim 106. Further, neither German et al. nor Rowe disclose or suggest, inter alia, deducting funds from the payment account corresponding to the buyer if the payment account has sufficient funds, loaning funds if the payment account has zero funds, or deducting funds and loaning funds if the payment account has greater than zero funds and less than a total amount of funds required to satisfy payment, as recited by Applicants' Claim 106.

Dependent Claims 2, 17, 32, 40, 41, 44, 49, 61, 70-72, 74, 76-81, 83-85, 87, 89-96, 98-100, 102, 103 and 107-113 depend, directly or indirectly, from independent Claims 1, 16, 47, 55, 62, 73, 75, 82, 86, 88, 97, 101 and 106 and therefore include the limitations of these independent claims. Therefore, for at least the reasons given for the patentability of independent Claims 1, 16, 47, 55, 62, 73, 75, 82, 86, 88, 97, 101 and 106, dependent Claims 2, 17, 32, 40, 41, 44, 49, 61, 70-72, 74, 76-81, 83-85, 87, 89-96, 98-100, 102, 103 and 107-113 are also patentable over German et al. and Rowe, taken alone or in any proper combination. Accordingly, withdrawal of the rejection under 35 U.S.C. Section 103(a) and allowance of all pending claims are respectfully requested.

In view of the foregoing remarks, it is respectfully submitted that all claims presently pending in the application are patentable over the art of record and allowance thereof is earnestly solicited.

Respectfully submitted,



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